

PATENT
Attorney Docket 060616-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ian Duncan RUBIN *et al.***)
)
Application No. **09/891,615**) Group Art Unit: **1654**
)
Filed: **June 27, 2001**) Examiner: Michele C. Flood
)
For: **Extracts, Compounds and Pharmaceutical**)
 Compositions Having Anti-Diabetic Activity)
 and Their Use)

Mail Stop Amendment

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

1. Transmitted herewith is a Response Under 37 C.F.R. 1.111 in response to the non-final Office Action dated March 9, 2004.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a two-month extension of time from June 9, 2004 to August 9, 2004, the fee for which is **\$420.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor.
3. Fee Calculation (37 C.F.R. 1.16):

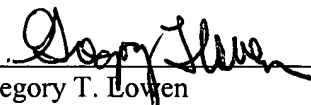
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	-	minus	41	0	\$18 each=	0.00
Independent Claims	-	minus	8	0	\$86 each=	0.00
First presentation of Multiple dependent claim					\$290.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						000
Total Fee =						0.00

4. Fee Payment: The Commissioner is hereby authorized to charge **\$420.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 9, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Gregory T. Lowen
Registration No. 46,882



1712/6548

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PHARMACEUTICAL COMPOSITIONS)
HAVING ANTI-DIABETIC ACTIVITY)
AND THEIR USE)

Commissioner of Patents and Trademarks
Arlington, VA 22202

Sir:

AMENDMENT AND RESPONSE

In reply to the Office Action mailed March 9, 2004, the time for responding to which has been extended through August 9, 2004 by the filing herewith of a petition for a two-month extension of time and authorization of fee payment, Applicants respectfully request reconsideration of the subject application in view of the following amendments and remarks.

Amendments to the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

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01 FC:1252 420.00 DA

Amendments to the Title:

Please amend the title of the specification to:

"Extracts, Compounds and Pharmaceutical Compositions Having Anti-Diabetic Activity
and Their Use"